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 MICHAEL J. STONE

(Additional Appearances Noted on
 Signature Page)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES A. HARRIS,

Plaintiff,

vs.

GULF INSURANCE COMPANY,

Defendant,

MICHAEL J. STONE,

Plaintiff/Intervenor

Case No. C01-4906 CW

**STIPULATION FOR CONTINUANCE
 OF CASE MANAGEMENT
 CONFERENCE; ORDER**

Old Date: November 17, 2006

Time: 1:30 p.m.

Courtroom 2

The Honorable Claudia Wilken

Proposed

Date: May 11, 2007

Time: 1:30 p.m.

Courtroom 2

The Honorable Claudia Wilken

Plaintiff James A. Harris, Intervenor Michael J. Stone (together "Plaintiffs") and
 Defendant Gulf Insurance Company respectfully submit this stipulation to continue the
 upcoming Case Management Conference ("CMC") currently set for November 17, 2006 at
 1:30 p.m., to May 11, 2007, at 1:30 p.m. The reason for the continuance is as follows:

1 This case was one of three related cases before the Court. The remaining two
 2 cases, *In re U.S. Aggregates, Inc. Securities Litigation*, Master File No. C-01-1688-CW, and
 3 *Moglia v. Harris*, No. C 04 2663 CW, have been settled. This case dealt with the insurance
 4 coverage issues posed by the U.S. Aggregates Securities Litigation.

5 This case is currently on appeal to the Ninth Circuit. The Court entered final
 6 judgment on September 28, 2005 on Counts I and II of Plaintiffs' First Amended Complaint, the
 7 two that raised the major coverage questions. Proceedings with respect to the remaining counts
 8 (alleging breach of contract and bad faith claims) were stayed pending resolution of the appeal.
 9 See the Court's Order Granting the Parties Joint Application for Judicial Resolution of Counts I
 10 and II of Plaintiff's First Amended Complaint under Federal Rule of Civil Procedure 54(b), dated
 11 September 28, 2005.

12 The appellate case has been fully briefed as of May 4, 2006. The Ninth Circuit
 13 has not yet scheduled oral argument.

14 Given the current status, the parties respectfully request that the scheduled CMC
 15 be continued until May 11, 2007 at 1:30 p.m. If the Court requests, the parties will provide the
 16 Court with periodic status reports as the Court may desire.

17
 18 DATED: October 23, 2006

JEFFER, MANGELS, BUTLER & MARMARO LLP
 ROBERT C. GEBHARDT
 JULIA J. RIDER

19
 20 By: _____/s/_____
 21 JULIA J. RIDER
 22 Attorneys for Plaintiff/Intervenor
 MICHAEL J. STONE

23
 24 DATED: October 23, 2006

HELLER EHRMAN LLP
 STEPHEN N. GOLDBERG

25
 26 By: _____/s/_____
 27 STEPHEN N. GOLDBERG
 Attorneys for Plaintiff
 JAMES A. HARRIS

28 DATED: October 23, 2006

TUCKER ELLIS & WEST LLP

ALEC BOYD

By: _____/s/_____
ALEC BOYD
Attorneys for Defendant
GULF INSURANCE COMPANY

ORDER

IT IS HEREBY ORDERED THAT the Case Management Conference scheduled
for November 17, 2006 is hereby continued to May 11, 2007 at 1:30 p.m.

DATED: October 24, 2006



The Honorable Claudia Wilken
United States District Court